

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DOUGLAS J. HORN and CINDY HARP-HORN,

Plaintiffs,

- vs -

MEDICAL MARIJUANA, INC., DIXIE ELIXIRS
AND EDIBLES, RED DICE HOLDINGS, LLC,
and DIXIE BOTANICALS,

Defendants.

ECF CASE

DECLARATION

Case No. 15-cv-701-FPG/MJR

MICHELLE L. SIDES, ESQ., declares the following, pursuant to 28 USC § 1746, under penalty of perjury:

1. I am the chief operating officer (“COO”) of defendant Red Dice Holdings, LLC (“RDH”).

2. I make and submit this declaration in support of RDH’s motion for judgment on the pleadings pursuant to FRCP Rule 12(c) and for summary judgment pursuant to FRCP Rule 56.

3. I provide the information contained in this declaration based upon my own personal knowledge and review of records created and/or kept in the regular course of RDH’s business.

4. During and prior to October 2012, RDH was engaged in the sale of finished legal hemp and cannabis based products.

5. RDH's involvement with the product at issue in this action, the Dixie X CBD Dew Drops 500 mg Tincture ("the product at issue"), was to facilitate the sale of the finished product.

6. Prior to being made available for public consumption, the product at issue was tested to ensure compliance with state and federal laws and regulations.

7. At no time was the product at issue ever made available by RDH for sale to or consumption by the public which did not meet these standards.

8. Testing of the product at issue was done at various stages of production to ensure compliance with state and federal laws. Copies of the certificates of testing performed by the laboratory commissioned to perform such testing, CannLabs, are annexed hereto collectively as **Exhibit A**.

9. I have seen the High Times magazine "article" attached as Exhibit A to the plaintiffs' complaint.

10. RDH did not write or commission the writing or publication of that article.

11. RDH did not pay for that article to be placed in that magazine.

12. The article was not a paid advertisement for, by, or on behalf of RDH.

13. Any public statement made by or on behalf of RDH during and before the fall of 2012 regarding the THC content of the product at issue was made pursuant to the testing of the product performed by CannLabs.

DATED: Denver, Colorado
August 29, 2018

/s Michelle L. Sides

Michelle L. Sides, Esq.